

2009 DRAFTING REQUEST

Bill

Received: **12/30/2008**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Wavrunek**

This file may be shown to any legislator: **NO**

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Wavrunek, BB0305 -

Topic:

Treatment Alternatives and Diversion program; Assess, Inform and Measure

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/1	rryan 01/08/2009	wjackson 01/09/2009	phenry 01/12/2009	_____	lparisi 01/12/2009		State
/2	rryan 01/21/2009	wjackson 01/21/2009	mduchek 01/21/2009	_____	lparisi 01/21/2009		State
/3	rryan 01/29/2009	wjackson 01/29/2009	mduchek 01/29/2009	_____	lparisi 01/29/2009		State
/4	rryan 01/30/2009	wjackson 01/30/2009	mduchek 01/30/2009	_____	sbasford 01/30/2009		State

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/5	rryan	wjackson	rschluet	_____	lparisi		
	02/11/2009	02/11/2009	02/11/2009	_____	02/11/2009		

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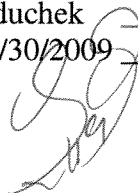
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15 2/11/09



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/4	rryan 01/30/2009	lrb_editor					

4 wj 1/30

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1/30

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/1	rryan 01/08/2009	wjackson 01/09/2009	phenry 01/12/2009	_____	lparisi 01/12/2009		

FE Sent For:

1/2 WJ 1/24
MRS
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1/21

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2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Treatment Alternatives and Diversion Program and Assess, Inform and Measure
- Tracking Code: BB0305
- SBO team: Agriculture, Environment and Justice
- SBO analyst: Leah Wavrunek
 - Phone: 267-0370
 - Email: leah.wavrunek@wisconsin.gov
- Agency acronym: DOA/OJA
- Agency number: 505, program 06
- Priority (Low, Medium, High): High

Intent: Retain the nonstatutory language from Act 20 that outlines grants to Milwaukee County for their Treatment Alternatives and Diversion Program (funded with GPR) and Assess, Inform and Measure Program (funded with GPR).

The language was included in section 9101(3) for TAD and 9101(4) for AIM in the nonstatutory section of Act 20.

The intent is to fund the TAD program at \$375,000 annually. Require a plan to OJA by December of each year.

The intent is to fund the AIM program at \$500,000 annually. Require a plan to OJA by December of each year.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1282/?

RLR: /.....

WLj

RMR

In 1/8/08

DOA:.....Wavrunek, BB0305 - Treatment Alternatives and Diversion
program; Assess, Inform and Measure

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

Do NOT GEN

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

✓ **CRIMES**

Under current law, the Office of Justice Assistance (OJA) awards grants to counties to provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or drugs. This bill requires OJA to provide a grant of \$375,000 annually to the county with the highest crime rate, upon approval of the county's application for the grant.

The bill also requires OJA to provide \$500,000 annually to the county that has the highest crime rate to perform presentencing assessments on a portion of the people convicted of a Class F, G, H, or I felony or a misdemeanor, for the purpose of providing courts information for sentencing decisions. This provision of funding is contingent upon OJA's approval of the county's plan for performing the presentencing assessments.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 16.964 (1) of the statutes is renumbered 16.964 (1m), and 16.964
2 (1m) (intro.), as renumbered, is amended to read:

3 16.964 (1m) The office of justice assistance shall:

History: 1987 a. 27; 1989 a. 31, 122; 1991 a. 39; 1993 a. 193; 1997 a. 252; 1999 a. 9 ss. 110, 110j, 2294m; 2001 a. 16 ss. 3349d, 3350, 3351d; 2003 a. 33 ss. 230, 1159, 1161, 1163, 1165; 2005 a. 25, 60, 433; 2007 a. 20 ss. 123 to 125g, 3126 to 3128, 9121 (6) (a); 2007 a. 79, 96.

4 SECTION 2. 16.964 (1g) of the statutes is created to read:

5 16.964 (1g) In this section, "office" means the office of justice assistance.

6 SECTION 3. 16.964 (2) of the statutes is amended to read:

7 16.964 (2) All persons in charge of law enforcement agencies and other criminal
8 and juvenile justice system agencies shall supply the office with the information
9 described in sub. (1) (1m) (g) on the basis of the forms or instructions or both to be
10 supplied by the office under sub. (1) (1m) (g).

History: 1987 a. 27; 1989 a. 31, 122; 1991 a. 39; 1993 a. 193; 1997 a. 252; 1999 a. 9 ss. 110, 110j, 2294m; 2001 a. 16 ss. 3349d, 3350, 3351d; 2003 a. 33 ss. 230, 1159, 1161, 1163, 1165; 2005 a. 25, 60, 433; 2007 a. 20 ss. 123 to 125g, 3126 to 3128, 9121 (6) (a); 2007 a. 79, 96.

11 SECTION 4. 16.964 (12) (bm) of the statutes is created to read:

12 16.964 (12) (bm) For each calendar year, the office shall award the county with
13 the highest crime rate, as reported by the office, a grant under par. (b) in the amount
14 of \$375,000 if the county submits an application to the office by December 1 of the
15 preceding year that demonstrates that the county shall use the grant funds to
16 implement a program that satisfies the conditions under par. (c).

17 SECTION 5. 16.964 (12) (g) of the statutes is amended to read:

18 16.964 (12) (g) Grants provided under this subsection shall be provided on a
19 calendar year basis beginning on January 1, 2007. If the office decides to make a
20 grant to a county under this subsection, the office shall, except as provided in par.
21 (bm), notify the county of its decision and the amount of the grant no later than
22 September 1 of the year preceding the year for which the grant will be made.

History: 1987 a. 27; 1989 a. 31, 122; 1991 a. 39; 1993 a. 193; 1997 a. 252; 1999 a. 9 ss. 110, 110j, 2294m; 2001 a. 16 ss. 3349d, 3350, 3351d; 2003 a. 33 ss. 230, 1159, 1161, 1163, 1165; 2005 a. 25, 60, 433; 2007 a. 20 ss. 123 to 125g, 3126 to 3128, 9121 (6) (a); 2007 a. 79, 96.

23 SECTION 6. 16.964 (15) of the statutes is created to read:

LPS: Please
check spacing.

1 16.964 (15) **Assess, inform, and measure grant.** (a) From the appropriation
2 under s. 20.505 (6) (b), the office shall provide the county that has the highest crime
3 rate, as reported by the office, \$500,000 in each calendar year to conduct
4 presentencing assessments if the county submits a plan to the office by December 1
5 of the preceding year that provides for all of the following:

6 1. Identification of a target group of offenders from among persons who are
7 convicted of a Class F, G, H, or I felony or a misdemeanor, whom the county shall
8 assess.

9 2. Assessment of ^{offenders} ~~persons~~ in the target group to determine the risk that they
10 will commit further crimes, their needs that are directly related to criminal behavior,
11 the likelihood that they will respond positively to community-based treatment for
12 the assessed needs, ^{and} ~~as well as~~ an assessment of the availability of community-based
13 treatment programs to serve the offenders.

14 3. Collection and dissemination of information relating to the accuracy of
15 assessments performed, the value and usefulness of information contained in the
16 assessment reports for purposes of making sentencing decisions, the effectiveness of
17 community-based treatment programs in addressing the assessed needs of
18 offenders, and the effect of the treatment programs with respect to recidivism.

19 4. Annual evaluation of the plan.

20 (b) At least 50 percent of the assessments performed by a county with funding
21 provided under this subsection shall be of persons subject to sentencing in connection
22 with a felony.

23 **SECTION 7.** 20.505 (6) (b) of the statutes is amended to read:

24 20.505 (6) (b) *Alternatives to prosecution and incarceration for persons who use*
25 *alcohol or other drugs; presentencing assessments.* The amounts in the schedule for

- 1 making grants to counties under s. 16.964 (12) (b) and (15) and entering into
2 contracts under s. 16.964 (12) (j) ~~and for making grants under 2007 Wisconsin Act~~
3 ~~20, section 9101 (4).~~

History: 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692, 9456 (3m); 1997 a. 237, 283; 1999 a. 5; 1999 a. 9 ss. 508 to 587d, 9401 (2zt), (2zu); 1999 a. 24, 52, 105, 113, 148, 185; 2001 a. 16 ss. 684d, 685d, 800 to 905; 2001 a. 104 ss. 21, 141; 2001 a. 109; 2003 a. 33 ss. 364d, 365d, 369d, 370d, 374d, 376d, 378d, 380d to 384d, 567 to 615f, 639, 640, 642d to 644, 2811 to 2813; 2003 a. 48 ss. 10, 11; 2003 a. 84; 2003 a. 139 ss. 9 to 12; 2003 a. 206 s. 23; 2003 a. 326; 2005 a. 25 ss. 389 to 429m, 2493, 2494, 2495, 9401, 9409; 2005 a. 60, 124, 141, 142, 253, 344, 414, 433; 2007 a. 20 ss. 323, 326, 516e to 542g, 9121 (6) (a); 2007 a. 226.

4

(END)

Ryan, Robin

From: Wavrunek, Leah J - DOA [Leah.Wavrunek@wisconsin.gov]
Sent: Wednesday, January 14, 2009 12:57 PM
To: Ryan, Robin
Subject: RE: LRB-1282/1

Yes, please draft as non-stat.

However, there is another problem with this draft. I checked with OJA and Menomonee County currently has the distinction of being the county with both the highest crime rate and highest violent crime rate. I know last budget we discussed how you can't direct funds to one locality in a multi-purpose bill. Is there any way we can use population combined with crime rate? Maybe "the county with a population over 500,000 having the highest violent crime rate"?

Thanks,
leah

From: Ryan, Robin [mailto:Robin.Ryan@legis.wisconsin.gov]
Sent: Tuesday, January 13, 2009 3:28 PM
To: Wavrunek, Leah J - DOA
Subject: RE: LRB-1282/1

So do you want me to redraft as a non-stat?

From: Wavrunek, Leah J - DOA [mailto:Leah.Wavrunek@wisconsin.gov]
Sent: Tuesday, January 13, 2009 3:05 PM
To: Ryan, Robin
Subject: RE: LRB-1282/1

I think the problem is we're unsure how long these programs will be around—definitely for 09-11, but their future afterwards is hazy.

From: Ryan, Robin [mailto:Robin.Ryan@legis.wisconsin.gov]
Sent: Tuesday, January 13, 2009 2:52 PM
To: Wavrunek, Leah J - DOA
Subject: RE: LRB-1282/1

Leah,

Generally, if a provision one-time or transitional, we put it in the non-stats, but if it is ongoing, we put it in the statutes. I assumed that you were making the allocation to Milwaukee County ongoing. Sound like my assumption was wrong.

Robin

From: Wavrunek, Leah J - DOA [mailto:Leah.Wavrunek@wisconsin.gov]
Sent: Tuesday, January 13, 2009 2:30 PM
To: Ryan, Robin
Subject: LRB-1282/1

Hi Robin,

01/14/2009

I have a question on the draft relating to the Treatment, Alternatives and Diversion Program and Assess, Inform and Measure Program in OJA. Are there any problems keeping the language in the non-statutory section of the bill? I have concerns on the longevity of the programs and putting the dollar amounts in the statutes.

Thanks,
leah

Leah Wavrunek
State Budget Office
Ph: (608) 267-0370
F: (608) 267-0372
leah.wavrunek@wisconsin.gov



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1282/1

RLR:wlj:ph

Stays

In 1/21/09

DOA:.....Wavrunek, BB0305 - Treatment Alternatives and Diversion
program; Assess, Inform and Measure

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

LPS: Please
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Sheet

LPS: Please
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among counties
having a population
of 50,000 or more

Use 2x

1 AN ACT ^{Do Not Gen}...; relating to: the budget.

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Under current law, the Office of Justice Assistance (OJA) awards grants to counties to provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or drugs. This bill requires OJA to provide a grant of \$375,000 annually to the county with the highest crime rate, upon approval of the county's application for the grant.

The bill also requires OJA to provide \$500,000 annually to the county that has the highest crime rate to perform presentencing assessments on a portion of the people convicted of a Class F, G, H, or I felony or a misdemeanor, for the purpose of providing courts information for sentencing decisions. This provision of funding is contingent upon OJA's approval of the county's plan for performing the presentencing assessments.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

in each of calendar years 2010 and 2011
Use 2x

SECTION 1. 16.964 (1) of the statutes is renumbered 16.964 (1m), and 16.964 (1m) (intro.), as renumbered, is amended to read:

16.964 (1m) (intro.) The office of justice assistance shall:

SECTION 2. 16.964 (1g) of the statutes is created to read:

16.964 (1g) In this section, "office" means the office of justice assistance.

SECTION 3. 16.964 (2) of the statutes is amended to read:

16.964 (2) All persons in charge of law enforcement agencies and other criminal and juvenile justice system agencies shall supply the office with the information described in sub. (1) (1m) (g) on the basis of the forms or instructions or both to be supplied by the office under sub. (1) (1m) (g).

SECTION 4. 16.964 (12) (bm) of the statutes is created to read:

(1) 16.964 (12) (bm) For each calendar year, the office of justice assistance shall award the county with the highest crime rate, as reported by the office, a grant under par. (b) in the amount of \$375,000 if the county submits to the office by December 1 of the preceding year an application that demonstrates that the county shall use the grant funds to implement a program that satisfies the conditions under par. (c).

SECTION 5. 16.964 (12) (g) of the statutes is amended to read:

16.964 (12) (g) Grants provided under this subsection shall be provided on a calendar year basis beginning on January 1, 2007. If the office decides to make a grant to a county under this subsection, the office shall, except as provided in par. (bm), notify the county of its decision and the amount of the grant no later than September 1 of the year preceding the year for which the grant will be made.

SECTION 6. 16.964 (15) of the statutes is created to read:

(1) 16.964 (15) (a) From the appropriation under s. 20.505 (6) (b), the office shall provide the county that has the highest crime rate, as reported by the office, \$500,000

SECTION 91010 Nonstatutory provisions administration

Action: NS 91010

Not years 2010 and 2011

Use 7x

among counties having a population of 50,000 or more

ALTERNATIVES TO PROSECUTION AND INCARCERATION FOR PERSONS WHO USE ALCOHOL OR DRUGS

Section 16.964(12)(b) of the statutes

of justice assistance

Section 16.964(12)(c) of the statutes

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2010 and 2011

1 in each calendar year to conduct presentencing assessments if the county submits
2 to the office by December 1 of the preceding year a plan that provides for all of the
3 following:

4 1. Identification of a target group of offenders, from among persons who are
5 convicted of a Class F, G, H, or I felony or a misdemeanor, whom the county shall
6 assess.

7 2. Assessment of offenders in the target group to determine the risk that they
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9 the likelihood that they will respond positively to community-based treatment for
10 the assessed needs, and an assessment of the availability of community-based
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24 making grants to counties under s. 16.964 (12) (b) and (15) and entering into

Lps: Please Sort draft
so this section appears
before the rest of the
statute.

2009 Wisconsin Act (this act) SECTION 6 (A.R.)

1 contracts under s. 16.964 (12) (j) ~~and for making grants under 2007 Wisconsin Act~~

2 ~~20, section 9101 (4).~~

3 (END)

Ryan, Robin

From: Wavrunek, Leah J - DOA [Leah.Wavrunek@wisconsin.gov]
Sent: Thursday, January 29, 2009 12:04 PM
To: Ryan, Robin
Subject: changes to LRB-1281/2
Importance: High

Hi Robin,

I am really sorry but I have a last minute change to LRB-1282/2 that is necessary to incorporate funding reductions. Since the draft references specific grant amounts, I have to lower the amounts to reflect the reduction in expenditure authority. Also, I will need to show that the grants are coming from 20.505(6)(b) **and** 20.505(1)(kh), which is the new DOA PR-S appropriation set up to receive federal stimulus funds.

The grants will need to be reduced as follows:

Alternatives to prosecution and incarceration for persons who use alcohol or drugs: New grant is \$371,200
Assess Inform and Measure: New grant is \$495,000

I hope this isn't too late to include as changes and I really apologize. Please let me know if you have any questions.
Thanks,
leah

Leah Wavrunek
State Budget Office
Ph: (608) 267-0370
F: (608) 267-0372
leah.wavrunek@wisconsin.gov

01/29/2009



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1282/2

RLR:wlj:md

In 1/29/09

Stays

DOA:.....Wavrunek, BB0305 - Treatment Alternatives and Diversion
program; Assess, Inform and Measure

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

RMR

Do Not Gen

1 AN ACT ...; relating to: the budget.

\$495,000

Analysis by the Legislative Reference Bureau

CRIMES

Under current law, the Office of Justice Assistance (OJA) awards grants to counties to provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or drugs. This bill requires OJA to provide a grant of \$375,000 in each of calendar years 2010 and 2011 to the county with the highest crime rate among counties having a population of 500,000 or more, upon approval of the county's application for the grant.

The bill also requires OJA to provide \$500,000 in each of calendar years 2010 and 2011 to the county that has the highest crime rate among counties having a population of 500,000 or more to perform presentencing assessments on a portion of the people convicted of a Class F, G, H, or I felony or a misdemeanor, for the purpose of providing courts information for sentencing decisions. This provision of funding is contingent upon OJA's approval of the county's plan for performing the presentencing assessments.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 16.964 (1) of the statutes is renumbered 16.964 (1m), and 16.964
2 (1m) (intro.), as renumbered, is amended to read:

3 16.964 (1m) (intro.) The office of justice assistance shall:

4 **SECTION 2.** 16.964 (1g) of the statutes is created to read:

5 16.964 (1g) In this section, "office" means the office of justice assistance.

6 **SECTION 3.** 16.964 (2) of the statutes is amended to read:

7 16.964 (2) All persons in charge of law enforcement agencies and other criminal
8 and juvenile justice system agencies shall supply the office with the information
9 described in sub. (1) (1m) (g) on the basis of the forms or instructions or both to be
10 supplied by the office under sub. (1) (1m) (g).

11 **SECTION 4.** 20.505 (6) (b) of the statutes is amended to read:

12 20.505 (6) (b) *Alternatives to prosecution and incarceration for persons who use*
13 *alcohol or other drugs; presentencing assessments.* The amounts in the schedule for
14 making grants to counties under s. 16.964 (12) (b) and 2009 Wisconsin Act (this
15 act), section 9101 (2), and entering into contracts under s. 16.964 (12) (j) and for
16 making grants under 2007 Wisconsin Act 20, section 9101 (4).

17 **SECTION 9101. Nonstatutory provisions; Administration.**

18 (1) ALTERNATIVES TO PROSECUTION AND INCARCERATION FOR PERSONS WHO USE
19 ALCOHOL OR DRUGS. For each of calendar years 2010 and 2011, the office of justice
20 assistance shall award the county with the highest crime rate among counties having
21 a population of 500,000 or more, as reported by the office, a grant under section
22 16.964 (12) (b) of the statutes in the amount of \$375,000 if the county submits to the
23 office by December 1 of the preceding year an application that demonstrates that the
24 county shall use the grant funds to implement a program that satisfies the conditions
25 under section 16.964 (12) (c) of the statutes.

\$371,200

Section 16.964 (1m) (g) from the appropriations under 2005-05 (1) (kh) and (6) (b) of the statutes, as affected by this act.

(1)(Kh) and \$495,000

as affected by this act

(2) ASSESS, INFORM, AND MEASURE GRANT. (a) From the appropriation under section 20.505 (6) (b) of the statutes, the office of justice assistance shall provide the county that has the highest crime rate among counties having a population of 500,000 or more, as reported by the office, \$500,000 in each of calendar years 2010 and 2011 to conduct presentencing assessments if the county submits to the office by December 1 of the preceding year a plan that provides for all of the following:

1. Identification of a target group of offenders, from among persons who are convicted of a Class F, G, H, or I felony or a misdemeanor, whom the county shall assess.

2. Assessment of offenders in the target group to determine the risk that they will commit further crimes, their needs that are directly related to criminal behavior, the likelihood that they will respond positively to community-based treatment for the assessed needs, and an assessment of the availability of community-based treatment programs to serve the offenders.

3. Collection and dissemination of information relating to the accuracy of assessments performed, the value and usefulness of information contained in the assessment reports for purposes of making sentencing decisions, the effectiveness of community-based treatment programs in addressing the assessed needs of offenders, and the effect of the treatment programs with respect to recidivism.

4. Annual evaluation of the plan.

(b) At least 50 percent of the assessments performed by a county with funding provided under this subsection shall be of persons subject to sentencing in connection with a felony.

(END)

CS Note: IF the draft statute creates so 20.505 (1)(Kh) LRB-1282/2 is not included in the budget, sub (1) and (2) must be revised.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1282/3

RLR:wjl:md

Stays

DOA:.....Wavrunek, BB0305 - Treatment Alternatives and Diversion
program; Assess, Inform and Measure

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

LPS: Please
check autorefs.

DN

Do Not Gen

1 AN ACT...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CRIMES

Under current law, the Office of Justice Assistance (OJA) awards grants to counties to provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or drugs. This bill requires OJA to provide a grant of \$371,200 in each of calendar years 2010 and 2011 to the county with the highest crime rate among counties having a population of 500,000 or more, upon approval of the county's application for the grant.

The bill also requires OJA to provide \$495,000 in each of calendar years 2010 and 2011 to the county that has the highest crime rate among counties having a population of 500,000 or more to perform presentencing assessments on a portion of the people convicted of a Class F, G, H, or I felony or a misdemeanor, for the purpose of providing courts information for sentencing decisions. This provision of funding is contingent upon OJA's approval of the county's plan for performing the presentencing assessments.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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2 (1m) (intro.), as renumbered, is amended to read:

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4 **SECTION 2.** 16.964 (1g) of the statutes is created to read:

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7 16.964 (2) All persons in charge of law enforcement agencies and other criminal
8 and juvenile justice system agencies shall supply the office with the information
9 described in sub. (1) (1m) (g) on the basis of the forms or instructions or both to be
10 supplied by the office under sub. (1) (1m) (g).

11 **SECTION 4.** 20.505 (6) (b) of the statutes is amended to read:

12 20.505 (6) (b) *Alternatives to prosecution and incarceration for persons who use*
13 *alcohol or other drugs; presentencing assessments.* The amounts in the schedule for
14 making grants to counties under s. 16.964 (12) (b) and 2009 Wisconsin Act (this
15 act), section 9101 (2), and entering into contracts under s. 16.964 (12) (j) and for
16 making grants under 2007 Wisconsin Act 20, section 9101 (4).

17 **SECTION 9101. Nonstatutory provisions; Administration.**

18 (1) ALTERNATIVES TO PROSECUTION AND INCARCERATION FOR PERSONS WHO USE
19 ALCOHOL OR DRUGS. For each of calendar years 2010 and 2011, the office of justice
20 assistance shall, from the appropriations under section 20.505 (1) (kh) and (6) (b) of
21 the statutes, as affected by this act, award the county with the highest crime rate
22 among counties having a population of 500,000 or more, as reported by the office, a
23 grant under section 16.964 (12) (b) of the statutes in the amount of \$371,200 if the
24 county submits to the office by December 1 of the preceding year an application that

1 demonstrates that the county shall use the grant funds to implement a program that
2 satisfies the conditions under section 16.964 (12) (c) of the statutes.

3 ^{AR2}(2) ASSESS, INFORM, AND MEASURE GRANT. (a) From the appropriations under
4 section 20.505 (1) (kh) and (6) (b) of the statutes, as affected by this act, the office of
5 justice assistance shall provide the county that has the highest crime rate among
6 counties having a population of 500,000 or more, as reported by the office, \$495,000
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8 county submits to the office by December 1 of the preceding year a plan that provides
9 for all of the following:

10 1. Identification of a target group of offenders, from among persons who are
11 convicted of a Class F, G, H, or I felony or a misdemeanor, whom the county shall
12 assess.

13 2. Assessment of offenders in the target group to determine the risk that they
14 will commit further crimes, their needs that are directly related to criminal behavior,
15 the likelihood that they will respond positively to community-based treatment for
16 the assessed needs, and an assessment of the availability of community-based
17 treatment programs to serve the offenders.

18 3. Collection and dissemination of information relating to the accuracy of
19 assessments performed, the value and usefulness of information contained in the
20 assessment reports for purposes of making sentencing decisions, the effectiveness of
21 community-based treatment programs in addressing the assessed needs of
22 offenders, and the effect of the treatment programs with respect to recidivism.

23 4. Annual evaluation of the plan.

- 1 (b) At least 50 percent of the assessments performed by a county with funding
2 provided under this subsection shall be of persons subject to sentencing in connection
3 with a felony.

****NOTE: If the draft that creates s. 20.505 (1) (kh), LRB-1786/1, is not included
in the budget, subs. (1) and (2) must be revised.

4

AR1 ↑
AR2 ↑

(END)

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1282/4ins
RLR:.....

1

Ins 2-10:

****NOTE: This draft deletes the treatment of s. 16.964 (1), (1g), and (2), which is
treated in LRB-1376.

143

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1282/4dn

RLR.....

Wlj

Date

1/4³ ————— Both
This draft reconciles LRB-1282 and LRB-1376. All of these drafts should continue to appear in the compiled bill.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1282/4dn

RLR:wlj:md

January 30, 2009

This draft reconciles LRB-1282/3 and LRB-1376/3. Both of these drafts should continue to appear in the compiled bill.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

Ryan, Robin

From: Wavrunek, Leah J - DOA [Leah.Wavrunek@wisconsin.gov]
Sent: Tuesday, February 10, 2009 3:49 PM
To: Ryan, Robin
Subject: LRB Draft 1282/4

Hi Robin,

I really, really apologize but I need to put the original amounts back in this draft and pull out the references to 20.505(1) (kh). TAD will again be at \$375,000 and AIM will be \$500,000.

Again, I apologize for the lateness of this change.
leah

Leah Wavrunek
State Budget Office
Ph: (608) 267-0370
F: (608) 267-0372
leah.wavrunek@wisconsin.gov

02/10/2009

Ryan, Robin

From: Wavrunek, Leah J - DOA [Leah.Wavrunek@wisconsin.gov]
Sent: Wednesday, February 11, 2009 9:20 AM
To: Ryan, Robin
Subject: RE: LRB Draft 1282/4

Hi Robin,

You have permission to curse my name. Can I switch the numbers back to TAD at \$371,200 and AIM at \$495,000? Apparently I had screwed up previously and not taken the funding down as much as I should have, but did not catch my error until just now.

Thank you so much,
leah

From: Ryan, Robin [mailto:Robin.Ryan@legis.wisconsin.gov]
Sent: Tuesday, February 10, 2009 3:49 PM
To: Wavrunek, Leah J - DOA
Subject: RE: LRB Draft 1282/4

will do

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02/11/2009



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1282/4

RLR:wlj:md

Stays

2/10/09

DOA:.....Wavrunek, BB0305 - Treatment Alternatives and Diversion
program; Assess, Inform and Measure

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

RMR

Do Not Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CRIMES

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

****NOTE: This draft deletes the treatment of s. 16.964 (1), (1g), and (2), which is treated in LRB-1376/3.

SECTION 1. 20.505 (6) (b) of the statutes is amended to read:

20.505 (6) (b) *Alternatives to prosecution and incarceration for persons who use alcohol or other drugs; presentencing assessments.* The amounts in the schedule for making grants to counties under s. 16.964 (12) (b) and 2009 Wisconsin Act ... (this act), section 9101 (2), and entering into contracts under s. 16.964 (12) (j) ~~and for making grants under 2007 Wisconsin Act 20, section 9101 (4).~~

SECTION 9101. Nonstatutory provisions; Administration.

(1) ALTERNATIVES TO PROSECUTION AND INCARCERATION FOR PERSONS WHO USE ALCOHOL OR DRUGS. For each of calendar years 2010 and 2011, the office of justice assistance shall, from the appropriations under section 20.505 (1) (kh) and (6) (b) of the statutes, as affected by this act, award the county with the highest crime rate among counties having a population of 500,000 or more, as reported by the office, a grant under section 16.964 (12) (b) of the statutes in the amount of \$371,200 if the county submits to the office by December 1 of the preceding year an application that demonstrates that the county shall use the grant funds to implement a program that satisfies the conditions under section 16.964 (12) (c) of the statutes.

(2) ASSESS, INFORM, AND MEASURE GRANT. (a) From the appropriations under section 20.505 (1) (kh) and (6) (b) of the statutes, as affected by this act, the office of justice assistance shall provide the county that has the highest crime rate among counties having a population of 500,000 or more, as reported by the office, \$495,000 in each of calendar years 2010 and 2011 to conduct presentencing assessments if the county submits to the office by December 1 of the preceding year a plan that provides for all of the following:

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3 assess.

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11 assessment reports for purposes of making sentencing decisions, the effectiveness of
12 community-based treatment programs in addressing the assessed needs of
13 offenders, and the effect of the treatment programs with respect to recidivism.

14 4. Annual evaluation of the plan.

15 (b) At least 50 percent of the assessments performed by a county with funding
16 provided under this subsection shall be of persons subject to sentencing in connection
17 with a felony.

****NOTE: If the draft that creates s. 20.505 (1) (kh), LRB-1786/1, is not included
in the budget, subs. (1) and (2) must be revised.

(END)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1282/5

RLR:wlj:rs

DOA:.....Wavrunek, BB0305 - Treatment Alternatives and Diversion
program; Assess, Inform and Measure

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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5 act), section 9101 (2), and entering into contracts under s. 16.964 (12) (j) ~~and for~~
6 ~~making grants under 2007 Wisconsin Act 20, section 9101 (4).~~

7 **SECTION 9101. Nonstatutory provisions; Administration.**

8 (1) ALTERNATIVES TO PROSECUTION AND INCARCERATION FOR PERSONS WHO USE
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4. Annual evaluation of the plan.

(b) At least 50 percent of the assessments performed by a county with funding provided under this subsection shall be of persons subject to sentencing in connection with a felony.

(END)